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UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA

JEREMY HARKINS

Plaintiff,

v.

SUTTER COUNTY; SUTTER COUNTY'S  
SHERIFF DEPARTMENT;  
CALIFORNIA FORENSICS MEDICAL  
GROUP; TAYLOR FITHIAN, M.D.;  
DORIS BROWN, FNP; SHERILL  
McGUIRE, RN; LISA ROGERS, RN;  
SHERIFF BRANDON BARNES;  
CAPTAIN DAN BUTTLER; SERGEANT  
HERNANDEZ; SERGEANT GARCIA;  
SERGEANT EATON; OFFICER E.  
BROOKS; OFFICER OLSON, OFFICER  
SANTOS; OFFICER WEATHERUP;  
WELLPATH MANAGEMENT, INC.;  
THOMAS PANGBURN, M.D. and DOES  
1-50;

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES**

**[WITH DEMAND FOR JURY TRIAL]**

**JURISDICTION/VENUE/GOVERNMENT CLAIM**

1. Plaintiff JEREMY HARKINS ("Plaintiff") alleges violations of his Constitutional rights. Plaintiff states claims under 42 U.S. Code Section 1983, 42 U.S. Code Section 1988, 42 U.S. Code Section 12132, and other California statutory/common law identified herein.

2. Jurisdiction is conferred upon the United States District Court by 42 U.S. Code Sections

1 1331 and 1343. The United States District Court also has supplemental jurisdiction over the  
2 California state law claims alleged herein pursuant to 28 U.S. Code Section 1367 as the California  
3 state law claims arise from the same series of events and occurrences as those claims arising  
4 under federal law.

5 3. Venue is proper in the United States District Court, Eastern District of California, under  
6 42 U.S. Code Section 1391(b), as the events giving rise to liability occurred in Sutter County,  
7 California.

8 4. Defendant County of Sutter ("COUNTY") is, and at all relevant times alleged herein  
9 was, a public entity duly organized and existing under the laws of the State of California. A  
10 written claim for damages setting forth the matters alleged herein was duly and regularly  
11 presented to the COUNTY on July 29, 2019. Said presentation, and filing, was in compliance  
12 with the appropriate sections of the California Government Code. COUNTY rejected the claim  
13 on or about September 13, 2019. This action is, thus, timely filed within the provisions of the  
14 California Government Code with respect to those causes of action that require that such a claim  
15 be made.

16 5. Plaintiff hereby demands a jury trial in this action.

17 **IDENTIFICATION OF PLAINTIFF**

18  
19 6. Plaintiff was in the custody of the COUNTY, at the Sutter County Jail ("JAIL"), from  
20 February 11, 2019 through March 17, 2019. While incarcerated, Plaintiff developed an ear  
21 infection. The Sutter County Sheriff's Department and California Forensics Medical Group were  
22 deliberately indifferent to Plaintiff's serious medical needs and thus he was provided with grossly  
23 inadequate medical treatment at the JAIL and he was never sent to the hospital which resulted in  
24 the infection spreading to his brain and skull. The injury caused severe, permanent damages to  
25 Plaintiff.

26 **IDENTIFICATION OF DEFENDANTS**

1       7. COUNTY is, and at all relevant times alleged herein was, responsible for overseeing the  
2 JAIL, the Sutter County Sheriff's Office, Sutter County Sheriff BRANDON BARNES  
3 ("BARNES"), Sutter County Sheriff's Captain Dan Buttler ("BUTTLER") Sutter County  
4 Sheriff's deputies/correctional officers and other agents/employees/ contracted entities of  
5 COUNTY, employees/agents of contracted entities of COUNTY including, without limitation,  
6 CALIFORNIA FORENSIC MEDICAL GROUP ("CFMG") and CFMG employees/agents  
7 including, but not limited to, CFMG doctors/nurses/other staff. COUNTY is liable for the  
8 intentional, reckless, and negligent acts of all of the aforementioned parties, personnel, and  
9 entities as described herein. COUNTY is, and at all relevant times alleged herein was,  
10 responsible for providing medical/mental health care at the JAIL.

11       8. Defendant BARNES is, and at all relevant times alleged herein was, Sheriff for the  
12 COUNTY. Defendant BUTTLER is, and all relevant times herein was, the Sheriff's Captain in  
13 charge of the JAIL. In committing the acts and omissions alleged herein BARNES and  
14 BUTTLER were acting under color of law and within the course and scope of their employment  
15 as Sheriff and Sheriff's Captain in charge of the JAIL, for the COUNTY. BARNES and  
16 BUTTLER are, and at all relevant times were, officials with final authority regarding policies,  
17 customs, and/or procedures at the JAIL and with final authority regarding the hiring, training,  
18 screening, supervision, discipline, retention, counseling, and control of COUNTY Sheriff's  
19 deputies/correctional officers, other COUNTY employees/agents at the JAIL, contracted entities  
20 of COUNTY and the JAIL, and employees/agents of contracted entities of COUNTY at the JAIL  
21 including, but not limited to, CFMG and CFMG employees/agents. Defendants BARNES and  
22 BUTTLER are being sued in their individual and official capacities.

23       9. Defendant SERGEANT HERNANDEZ ("HERNANDEZ") is, and at all relevant times  
24 alleged herein was, a correctional officer/supervisor employed by the COUNTY working at the  
25 JAIL. In committing the acts and omissions alleged herein defendant was acting under color of  
26 law and within the course and scope of employment for the COUNTY. Defendant is being sued  
27 in both individual and official capacities.  
28

10. Defendant SERGEANT GARCIA ("GARCIA") is, and at all relevant times alleged herein was, a correctional officer/supervisor employed by the COUNTY working at the JAIL. In committing the acts and omissions alleged herein defendant was acting under color of law and within the course and scope of employment for the COUNTY. Defendant is being sued in both individual and official capacities.

11. Defendant SERGEANT EATON ("EATON") is, and at all relevant times alleged herein was, a correctional officer/supervisor employed by COUNTY working at the JAIL. In committing the acts and omissions alleged herein defendant was acting under color of law and within the course and scope of employment for the COUNTY. Defendant is being sued in both individual and official capacities.

12. Defendant OFFICER E. BROOKS is, and at all relevant times alleged herein was, a correctional officer employed by the COUNTY working at the JAIL. In committing the acts and omissions alleged herein defendant was acting under color of law and within the course and scope of employment for the COUNTY. Defendant is being sued in both individual and official capacities.

13. Defendant OFFICER OLSON is, and at all relevant times alleged herein was a correctional officer employed by the COUNTY working at the JAIL. In committing the acts and omissions alleged herein defendant was acting under color of law and within the course and scope of employment for the COUNTY. Defendant is being sued in both individual and official capacities.

14. Defendant OFFICER SANTOS is, and at all relevant times alleged herein was a correctional officer employed by the COUNTY working at the JAIL. In committing the acts and omissions alleged herein defendant was acting under color of law and within the course and scope of employment for the COUNTY. Defendant is being sued in both individual and official capacities.

15. Defendant OFFICER WEATHERUP is, an at all relevant times alleged herein was a correctional officer employed by the COUNTY working at the JAIL. In committing the acts and

1 omissions alleged herein defendant was acting under color of law and within the course and scope  
2 of employment for the COUNTY. Defendant is being sued in both individual and official  
3 capacities.

4 16. Defendant CALIFORNIA FORENSIC MEDICAL GROUP ("CFMG") is a subsidiary  
5 of Defendant WELLPATH MANAGEMENT, INC. ("WELLPATH").

6 17. Defendants CFMG/WELLPATH are, and at all relevant times alleged herein were, a  
7 corporations organized and existing under the laws of the State of California. CFMG  
8 /WELLPATH have, and at all relevant times alleged herein had, a contract with COUNTY to  
9 provide mental health, medical, and psychiatric services for inmates at the JAIL.

10 CFMG/WELLPATH are, and at all relevant times alleged herein were, responsible for providing  
11 medical/mental health care at the JAIL. At all relevant times alleged herein CFMG/WELLPATH  
12 and their employees/agents were acting under color of state law.

13 18. Defendant CFMG/WELLPATH employees/agents DORIS BROWN ("BROWN"),  
14 SHERILL McGUIRE ("McGUIRE"), and LISA ROGERS (ROGERS) are, and at all relevant  
15 times alleged herein were, employees/agents of CFMG/WELLPATH working at the JAIL for  
16 CFMG/WELLPATH and COUNTY. These defendants, as employees/agents of  
17 CFMG/WELLPATH, working at JAIL, were acting under color of law and under contract with  
18 the COUNTY.

19 19. Defendant DR. TAYLOR FITHIAN ("FITHIAN") is, and at all relevant times alleged  
20 herein was, the President and Medical Director of CFMG. In committing the acts and omissions  
21 alleged herein FITHIAN was acting under color of law, as the head of the COUNTY's contracted  
22 medical/mental health provider at the JAIL, and within the course and scope of his employment  
23 as President and Medical Director of CFMG. FITHIAN is, and at all relevant times was, an  
24 official with final authority regarding policies, customs, and/or procedures at the JAIL and with  
25 final authority regarding the hiring, training, screening, supervision, discipline, retention,  
26 counseling, and control of CFMG employees/agents, acting under color of law, at the JAIL.  
27 Defendant FITHIAN is being sued in his individual and official capacities.  
28

20. Defendant DR. THOMAS PANGBURN ("PANGBURN") is, and at all relevant times alleged herein was, the Chief Clinical Officer of WELLPATH. In committing the acts and omissions alleged herein PANGBURN was acting under color of law, as Chief Clinical Officer of the COUNTY's contracted medical/mental health provider at the JAIL, and within the course and scope of his employment as Chief Clinical Officer of WELLPATH. PANGBURN is, and at all relevant times was, an official with final authority regarding policies, customs, and/or procedures at the JAIL and with final authority regarding the hiring, training, screening, supervision, discipline, retention, counseling, and control of WELLPATH employees/agents, acting under color of law, at the JAIL. Defendant PANGBURN is being sued in his individual and official capacities.

21. Plaintiff is ignorant of the true names and capacities of defendants DOES 1 through 50 and therefore sue these defendants by such fictitious names. Plaintiff is informed and believes and thereon alleges that each defendant so named is responsible in some manner for the injuries and damages suffered by Plaintiff as described in this complaint. Plaintiff will amend their Complaint to state the true names and capacities of defendants DOES 1 through 50 when they have been ascertained. Any reference in this Complaint to any named entity defendant, any individually named defendant, the terms "defendant," "defendants," "Defendant," and/or "Defendants" also refers to defendants DOES 1 through 50.

22. At all times mentioned in this Complaint each of the defendants, including all defendants sued under fictitious names; was the agent and employee of each of the remaining Defendants, and, in doing the things alleged in this Complaint, was acting within the course and scope of this agency or employment.

23. In committing the acts and/or omissions alleged herein defendants, including DOES, acted under color of authority and under color of law. Plaintiff sues all parties named as defendants in this Complaint in both their individual and official capacities.

### **FACTS LEADING TO PLAINTIFF'S INJURIES**



1       24. On February 11, 2019, Plaintiff was arrested and incarcerated at the JAIL.

2       25. On February 26, 2019, Plaintiff filled out a request for medical attention to  
3 CFMG/WELLPATH stating he had a major ear infection with “throbbing and pressure.”  
4 COUNTY/CFMG/WELLPATH, and employees/agents of COUNTY/CFMG/WELLPATH,  
5 including, but not limited to, FITHIAN, PANGBURN, BROWN, MCGUIRE, ROGERS,  
6 BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS, OLSON, SANTOS,  
7 WEATHERUP and DOES were aware of, or should have been aware of, the aforesated  
8 information but were deliberately indifferent to same resulting in severe injury to Plaintiff.

9       26. On or about February 27, 2019, Plaintiff was complaining of a severe ear infection.  
10 COUNTY/CFMG/WELLPATH, and employees/agents of COUNTY/CFMG/WELLPATH,  
11 including, but not limited to, FITHIAN, PANGBURN, BROWN, MCGUIRE, ROGERS,  
12 BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS, OLSON, SANTOS,  
13 WEATHERUP and DOES were aware of, or should have been aware of, the aforesated  
14 information but were deliberately indifferent to same resulting in severe injury to Plaintiff.

15       27. On February 27, 2019, Plaintiff filled out a Sutter County Jail Inmate Request Form  
16 stating he needed medical attention as soon as possible. Plaintiff stated he had a bad infection in  
17 his ear, and the pain was in his temple radiating down to his neck. This report was received by  
18 Officer BROOKS. COUNTY/CFMG/WELLPATH, and employees/agents of  
19 COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN, PANGBURN,  
20 BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS,  
21 OLSON, SANTOS, WEATHERUP and DOES were aware of, or should have been aware of, the  
22 aforesated information but were deliberately indifferent to same.

23       28. On February 28, 2019, Plaintiff was seen by BROWN for a medical assessment.  
24 Plaintiff was grimacing and crying with extreme pain in his right ear. Plaintiff was placed in a  
25 sobering cell and was observed by GARCIA. COUNTY/CFMG/WELLPATH, and  
26 employees/agents of COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN,  
27 PANGBURN, BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ,  
28

1 GARCIA, BROOKS, OLSON, SANTOS, WEATHERUP and DOES were aware of, or should  
2 have been aware of, the aforestated information but were deliberately indifferent to same.

3 29. On March 1, 2019, Plaintiff saw BROWN. Plaintiff was crying due to the severe pain in  
4 his ear. Plaintiff informed BROWN that his doctor informed him that he needed to have his  
5 tonsils and adenoids removed, and Plaintiff asked BROWN to take him to the hospital to do so.  
6 COUNTY/CFMG/WELLPATH, and employees/agents of COUNTY/CFMG/WELLPATH,  
7 including, but not limited to, FITHIAN, PANGBURN, BROWN, MCGUIRE, ROGERS,  
8 BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS, OLSON, SANTOS,  
9 WEATHERUP and DOES were aware of, or should have been aware of, the aforestated  
10 information but were deliberately indifferent to same.

11 30. On March 2, 2019, Plaintiff filled out a Request for Medical Attention form, informing  
12 Defendants of his serious condition. Plaintiff stated he needed to have medication every four to  
13 six hours as need to keep the inflammation down. Plaintiff stated that he had pain and throbbing  
14 in his ear because his ear canal would swell closed and trap the infection behind the ear drum.  
15 Plaintiff stated the inflammation would cause his ear drum to erupt and even possibly cause  
16 Plaintiff to go deaf due to the pressure not being released. COUNTY/CFMG/WELLPATH, and  
17 employees/agents of COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN,  
18 PANGBURN, BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ,  
19 GARCIA, BROOKS, OLSON, SANTOS, WEATHERUP and DOES were aware of, or should  
20 have been aware of, the aforestated information but were deliberately indifferent to same.

21 31. On March 3, 2019, Plaintiff's girlfriend called CFMG/WELLPATH to inform  
22 CFMG/WELLPATH of Plaintiff's serious medical condition. A note was created for Plaintiff's  
23 file directed to Medical Staff and CFMG/WELLPATH. COUNTY/CFMG/WELLPATH, and  
24 employees/agents of COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN,  
25 PANGBURN, BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ,  
26 GARCIA, BROOKS, OLSON, SANTOS, WEATHERUP and DOES were aware of, or should  
27 have been aware of, the aforestated information but were deliberately indifferent to same  
28



32. On March 4, 2019, Plaintiff filed a Sutter County Jail Inmate Grievance stating that he had a chronic ear ache since February 26. He noted he was in terrible pain, and he had only been given two ibuprofen in 24 hours. Plaintiff stated he kept asking for help, but no one would help him. Plaintiff stated he was awake all night with pain. BROOKS received the complaint. COUNTY/CFMG/WELLPATH, and employees/agents of COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN, PANGBURN, BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS, OLSON, SANTOS, WEATHERUP and DOES were aware of, or should have been aware of, the aforesaid information but were deliberately indifferent to same.

33. On March 4, 2019, a lab report was given to CFMG/WELLPATH and BROWN, informing them that Plaintiff had multiple infections in his ear. COUNTY/CFMG/WELLPATH, and employees/agents of COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN, PANGBURN, BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS, OLSON, SANTOS, WEATHERUP and DOES were aware of, or should have been aware of, the aforesaid information but were deliberately indifferent to same.

34. On March 6, 2019, Plaintiff filled out a Sutter County Jail Inmate Grievance Form stating that he needed help for his ear. The intake supervisor was HERNANDEZ. COUNTY/CFMG/WELLPATH, and employees/agents of COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN, PANGBURN, BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS, OLSON, SANTOS, WEATHERUP and DOES were aware of, or should have been aware of, the aforesaid information but were deliberately indifferent to same.

35. On March 7, 2019, Plaintiff was seen by BROWN. On examination, Plaintiff had severe yellow, foul smelling drainage from his right ear, and Plaintiff stated he noticed the discharge on his bed sheets in the morning. COUNTY/CFMG/WELLPATH, and employees/agents of COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN,

1 PANGBURN, BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ,  
2 GARCIA, BROOKS, OLSON, SANTOS, WEATHERUP and DOES were aware of, or should  
3 have been aware of, the aforestated information but were deliberately indifferent to same.

4 36. On March 11, 2019, Plaintiff filled out another Request for Medical Attention Form  
5 requesting medical care for his ear. COUNTY/CFMG/WELLPATH, and employees/agents of  
6 COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN, PANGBURN,  
7 BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS,  
8 OLSON, SANTOS, WEATHERUP and DOES were aware of, or should have been aware of, the  
9 aforestated information but were deliberately indifferent to same.

10 37. Defendants were deliberately indifferent to Plaintiff's serious medical needs and as a  
11 result, he was provided with grossly inadequate medical care.

12 38. Despite repeated complaints and grievances to defendants, Plaintiff's symptoms and  
13 severe infection went untreated.

14 39. On or about March 17, 2019, Plaintiff informed WEATHERUP that he had serious  
15 medical issues, and could not get out of bed as he was freezing, hyperventilating, and needed to  
16 go to the hospital. OLSON, WEATHERUP, SANTOS and MCGUIRE observed Plaintiff in  
17 serious pain and distress. OLSON, WEATHERUP, and SANTOS cited Plaintiff for a major rule  
18 violation for "interfering with jail ops, unmade bed, and wrong bed" and recommended Plaintiff  
19 lose rights to three visits. COUNTY/CFMG/WELPPATH, and employees/agents of  
20 COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN, PANGBURN,  
21 BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS,  
22 OLSON, SANTOS, WEATHERUP and DOES were aware of, or should have been aware of, the  
23 aforestated information but were deliberately indifferent to same.

24 40. On March 17, 2019, Plaintiff informed CFMG/WELLPATH and ROGERS that he was  
25 blind and had been blind for the last three days. Plaintiff had to be guided to the medical  
26 department by another inmate because he could not see. Plaintiff was transferred to an individual  
27 sobering cell and would sway as if he were going to fall but would catch himself before he fell.  
28

1 Later that day, Plaintiff was seen sliding to the floor. ROGERS responded and found Plaintiff on  
2 his back not verbally responsive. Plaintiff was also observed by EATON.

3 COUNTY/CFMG/WELLPATH, and employees/agents of COUNTY/CFMG/WELLPATH,  
4 including, but not limited to, FITHIAN, PANGBURN, BROWN, MCGUIRE, ROGERS,  
5 BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS, OLSON, SANTOS,  
6 WEATHERUP and DOES were aware of, or should have been aware of, the aforesated  
7 information but were deliberately indifferent to same.

8 41. Plaintiff was transferred via ambulance to the local emergency room where it was  
9 determined Plaintiff's infection had spread to his brain and skull.

10 42. Plaintiff sustained severe, permanent damages as a result of this injury.

11 43. From February 26, 2019 to March 17, 2019, Plaintiff repeatedly asked COUNTY,  
12 Officers OLSON, WEATHERUP, SANTOS, and BROOKS and Sergeants HERNANDEZ,  
13 EATON, and GARCIA for medical care. COUNTY, OLSON, WEATHERUP, SANTOS,  
14 BROOKS, HERNANDEZ, EATON, and GARCIA knew that Plaintiff was in extreme pain, but  
15 refused Plaintiff's requests. COUNTY/CFMG/WELLPATH, and employees/agents of  
16 COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN, PANGBURN,  
17 BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS,  
18 OLSON, SANTOS, WEATHERUP and DOES were aware of, or should have been aware of, the  
19 aforesated information but were deliberately indifferent to same.

20 44. From February 26, 2019 to March 17, 2019, Plaintiff also repeatedly asked  
21 CFMG/WELLPATH, BROWN, MCGUIRE, and ROGERS for medical care.  
22 CFMG/WELLPATH, BROWN, MCGUIRE, and ROGERS knew that Plaintiff was in extreme  
23 pain, but refused Plaintiff's requests. COUNTY/CFMG/WELLPATH, and employees/agents of  
24 COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN, PANGBURN,  
25 BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS,  
26 OLSON, SANTOS, WEATHERUP and DOES were aware of, or should have been aware of, the  
27 aforesated information but were deliberately indifferent to same.  
28

1        45. From February 26, 2019 to March 17, 2019, Plaintiff was crying, grimacing, tearful,  
2 lethargic, pleading for help, and seriously ill on an ongoing basis. This was witnessed by, and  
3 known to, COUNTY/CFMG/WELLPATH, and employees/agents of  
4 COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN, PANGBURN,  
5 BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS,  
6 OLSON, SANTOS, WEATHERUP and DOES.

7        46. It was known by COUNTY/CFMG/WELLPATH, and employees/agents of  
8 COUNTY/CFMG/WELLPATH, including, but not limited to, FITHIAN, PANGBURN,  
9 BROWN, MCGUIRE, ROGERS, BARNES, BUTTLER, HERNANDEZ, GARCIA, BROOKS,  
10 OLSON, SANTOS, WEATHERUP and DOES that Plaintiff was suffering from a serious medical  
11 condition from February 26, 2019 to March 17, 2019. Plaintiff was refused medical care by  
12 COUNTY/CFMG/WELLPATH again and again. His cries for help were ignored, and Plaintiff  
13 suffered severe and permanent injuries as a result of Defendants' continued refusal to provide  
14 access to treatment.

15        47. Additionally, COUNTY, CFMG, WELLPATH, FITHIAN, PANGBURN, BARNES  
16 and DOES maintained policies, customs, and/or de facto informal customs, and/or practices of  
17 permitting, ignoring, and condoning the following at the JAIL (which individually and  
18 collectively resulted in Constitutional violations at the JAIL, with respect to the delivery of  
19 medical care to detainees, including Plaintiff, and which proximately caused the Plaintiff's severe  
20 injuries: (1) delaying and failing to respond with adequate medical assistance when needed and  
21 requested; (2) failing to properly observe and treat detainees/inmates with medical conditions; (3)  
22 failing to adequately provide ongoing medical screenings and evaluations to persons with medical  
23 conditions; (4) failing to make timely referral for medical treatment when needed; (5) failing to  
24 institute treatment plans for those persons at the JAIL with medical needs; (6) failing to prescribe,  
25 administer, and deliver medications and failing to provide necessary prescribed medications; (7)  
26 failing to complete adequate medical record keeping; (8) failing to have adequate medical staffing  
27 (in both amount and types of providers); (9) failing to have adequate communication between  
28

1 medical and custodial staff regarding medical treatment/care; (10) failing to have adequate  
 2 supervision of inmates; (11) refusing access and delivery of medical health care to inmates; (12)  
 3 failing to periodically monitor inmates/detainees with serious medical health conditions; (13)  
 4 failing to comply with statutory guidelines, mandates and duties enacted for the protection of  
 5 individuals with medical needs at the JAIL; (14) failing to supervise, report, investigate, and  
 6 reprimand officers, aides, and medical care providers that engage in wrongful conduct including,  
 7 but not limited to, taunting inmates and failing to provide/request medical treatment when  
 8 indicated; (15) failing to screen inmates for mental illness; (16) failing to provide and follow  
 9 written procedures for ensuring access to medical care treatment by qualified professionals; (17)  
 10 providing inadequately trained and credentialed medical staff at the JAIL, such as Licensed  
 11 Vocational Nurses who have no ability/authority to provide medical care/treatment/medication to  
 12 detainees, instead of providing nurses/doctors and, further, having said unqualified/underqualified  
 13 personnel perform tasks that go beyond their licensure; (18) failing to respond to "sick call slips"  
 14 and medical grievances when submitted; (19) failing to provide adequate number of  
 15 personnel/training to personnel tasked with responding to "sick call slips" and medical  
 16 grievances; (20) failing to appropriately refer JAIL detainees who exhibit symptoms of medical  
 17 illness during encounters with custody/medical staff to outside (or inside) medical providers; (21)  
 18 failing to transfer JAIL detainees with recognized severe medical illness, like Plaintiff, to  
 19 facilities that can provide adequate medical care; (22) isolating and punishing persons with illness  
 20 by placing them in segregation instead of providing them with medical care.

21 48. Plaintiff, additionally, alleges Defendants COUNTY, CFMG, WELLPATH, FITHIAN,  
 22 PANGBURN, BARNES and DOES maintained policies, customs, or practices of understaffing  
 23 the JAIL with custody and medical personnel resulting in a failure to properly monitor inmates  
 24 particularly where, as with Plaintiff, a medical condition was known/recognized but left  
 25 untreated.

26 ///

27 ///

28 ///



**FIRST CAUSE OF ACTION**  
**(VIOLATION OF 42 U.S. CODE § 1983- FOURTEENTH AMENDMENT- DELIBERATE**  
**INDIFFERENCE TO SERIOUS MEDICAL NEEDS OF PLAINTIFF AND FAILURE TO**  
**PROTECT HIM FROM HARM)**  
**(AGAINST ALL DEFENDANTS INCLUDING DOES)**

49. Plaintiff realleges and incorporate by reference all paragraphs alleged in this Complaint (above and below) as though fully set forth herein.

50. Plaintiff had serious medical needs at all relevant times alleged in this Complaint.

51. Defendants, including DOES, were, at all relevant times alleged herein, acting under color of law and within the course and scope of their official duties/employment for the COUNTY, and/or CFMG, and/or WELLPATH at the JAIL. Plaintiff, at all relevant times alleged herein, was in the custody of COUNTY, and/or CFMG, and/or WELLPATH at the JAIL. CFMG, and/or WELLPATH at all relevant times, was under contract with the COUNTY to provide medical services to detainees, like Plaintiff, at the JAIL.

52. By reason of the specific actions and inactions of defendants, including DOES, as detailed above, defendants violated the Constitutional rights and liberty interests of Plaintiff including, but not limited to, those rights provided to Plaintiff in the Fourteenth Amendment to the United States Constitution including, but not limited to, Plaintiff's right to Constitutionally adequate medical care while at the JAIL and Plaintiff's right to be protected from unnecessary pain/suffering/harm while at the JAIL.

53. Defendants, including DOES, as provided in-detail above, were deliberately indifferent to Plaintiff's serious medical needs while he was at the JAIL and were deliberately indifferent in failing to protect Plaintiff from unnecessary harm/pain/suffering at the JAIL. Defendants, and each of them, ignored Plaintiff's serious medical needs, failed/refused to provide Plaintiff access to, and delivery of, medical evaluations, interventions, care, treatment, and, further, failed to intervene to prevent Plaintiff's severe and permanent injury and disability.

54. As a direct and proximate result of defendant's deliberate indifference to Plaintiff's serious medical needs, as detailed above, Plaintiff's serious, but treatable, medical condition went untreated. Rather than being provided the treatment he needed Plaintiff's infection spread. This



1 caused Plaintiff to suffer cruel and unusual punishment, and both physical pain and mental  
2 anguish, in violation of Plaintiff's Fourteenth Amendment rights, as detainee, and, ultimately,  
3 resulted in severe personal injury to Plaintiff.

4 55. Under 42 U.S.C. § 1988 Plaintiff is entitled to, and demands, an award of reasonable  
5 attorneys' fees and costs on this cause of action.

6 56. Each defendant, including DOES, acted intentionally, recklessly, and/or with callous  
7 indifference to Plaintiff's serious medical needs and to Plaintiff's Constitutional rights. As such,  
8 defendants should be assessed punitive damages on this cause of action.

9 **SECOND CAUSE OF ACTION**

10 **(VIOLATION OF 42 U.S. CODE § 1983- FOURTEENTH AMENDMENT- INADEQUATE**  
11 **POLICIES, CUSTOMS, AND/OR PRACTICES RESULTING IN DEPRIVATION OF**  
12 **MEDICAL CARE TO PLAINTIFF AND FAILURE TO PROTECT PLAINTIFF FROM**  
13 **HARM)**  
14 **(AGAINST DEFENDANTS COUNTY, CFMG, WELLPATH, FITHIAN, PANGBURN,**  
15 **BARNES, AND DOES ONLY)**

16 57. Plaintiff realleges and incorporates by reference all paragraphs alleged in this Complaint  
17 (above and below) as though fully set forth herein.

18 58. Defendants COUNTY, CFMG, and WELLPATH had inadequate policies, customs,  
19 and/or practices with respect to providing medical care to detainees at the JAIL, and with respect  
20 to protecting detainees like Plaintiff from unnecessary harm/pain/suffering while at the JAIL,  
21 including, but not limited to, as listed above in this Complaint.

22 59. BANRES is, and at all relevant times was, the Sheriff for the COUNTY and the  
23 COUNTY official with final policy/decision-making authority with respect to the provision of  
24 medical/mental health care at the JAIL. FITHIAN is, and at all relevant times was, the  
25 President/Medical Director of CFMG and the CFMG official charged with final policy/decision-  
26 making authority, in conjunction with BARNES and COUNTY, regarding the provision of  
27 medical/mental health care at the JAIL. PANGBURN is, and at all relevant times was, the Chief  
28 Clinical Officer of WELLPATH and the WELLPATH official charged with final policy/decision  
making authority, in conjunction with BARNES, COUNTY, and CFMG regarding the provision

1 of medical/mental health care at the JAIL.

2 60. By reason of the actions and inactions of defendants, as detailed above, defendants,  
3 including DOES, violated the Constitutional rights and liberty interests of Plaintiff including, but  
4 not limited to, Plaintiff's Fourteenth Amendment right to Constitutionally adequate medical  
5 health care while at the JAIL and Plaintiff's Constitutional right to be protected from unnecessary  
6 pain/suffering/harm while at the JAIL.

7 61. CFMG and FITHIAN have a history of failing to provide even minimally adequate  
8 medical care to prisoners at the JAIL and, generally, at jails/facilities around the State of  
9 California where CFMG is the medical provider. This has resulted in numerous civil rights  
10 lawsuits against CFMG and FITHIAN many of which are currently ongoing. CFMG and  
11 FITHIAN's substandard and Constitutionally deplorable care is provided, at least in part, due to  
12 the fact that CFMG charges a flat rate for medical care at the JAIL to COUNTY (per prisoner, per  
13 day) which incentivizes FITHIAN and CFMG to provide the most minimal care possible at the  
14 JAIL so as to maximize profit for CFMG.

15 62. As a direct and proximate result of the above-described policies, customs, and/or  
16 practices Plaintiff's serious, but treatable, medical condition went untreated. This caused Plaintiff  
17 to suffer cruel and unusual punishment, and both physical pain and mental anguish, in violation of  
18 his Fourteenth Amendment rights and, ultimately, resulted in severe personal injury at the JAIL.  
19 The defendants identified in this cause of action, including DOES, knew that the policies,  
20 customs, and/or practices were inadequate but, despite this, defendants were deliberately  
21 indifferent to the serious risk posed by same. Accordingly, these defendants, including DOES, in  
22 doing the above-described actions/inactions, were deliberately indifferent to Plaintiff's serious  
23 medical needs.

24 63. Plaintiff seeks damages for the pain and suffering caused at the JAIL, the physical  
25 injuries, pain, emotional anguish, and trauma.

26 64. Under 42 U.S.C. § 1988 Plaintiff is entitled to, and demands, an award of reasonable  
27 attorneys' fees and costs on this cause of action.  
28

65. Each defendant, including DOES, acted intentionally, recklessly, and/or with callous indifference to Plaintiff's serious medical needs and to Plaintiff's Constitutional rights. As such, defendants should be assessed punitive damages on this cause of action.

**THIRD CAUSE OF ACTION**  
**(VIOLATION OF 42 U.S. CODE § 1983- FOURTEENTH AMENDMENT- FAILURE TO TRAIN/SUPERVISE RESULTING IN DEPRIVATION OF MEDICAL CARE TO PLAINTIFF AND FAILURE TO PROTECT PLAINTIFF FROM HARM)**  
**(AGAINST DEFENDANTS COUNTY, CFMG, WELLPATH, FITHIAN, PANGBURN, BARNES AND DOES ONLY)**

66. Plaintiff realleges and incorporate by reference all paragraphs alleged in this Complaint (above and below) as though fully set forth herein.

67. Defendants COUNTY, CFMG and WELLPATH had inadequate training/supervision, or no training/supervision at all, at the JAIL to assure that employees/agents provided proper medical care to prisoners, like Plaintiff, and to assure that employees/agents protect prisoners, like Plaintiff, from harm.

68. COUNTY, CFMG, WELLPATH, FITHIAN, PANGBURN and BARNES were aware, or should have been aware, that employees/agents were not adequately trained/supervised to: (1) provide timely access to and delivery of medical care to prisoners when needed and requested; and (2) transport sick individuals to approved facilities for treatment and assessment when necessary.

69. BARNES is, and at all relevant times was, the Sheriff for the COUNTY and the COUNTY official with final policy/decision-making authority with respect to the provision of medical care at the JAIL and training/supervision of employees/agents at the JAIL. FITHIAN is, and at all relevant times was, the President/Medical Director of CFMG and the CFMG official charged with final policy/decision-making authority, in conjunction with BARNES and COUNTY, regarding the provision of medical/mental health care at the JAIL and training/supervision of employees/agents at the JAIL. PANGBURN is, and at all relevant times was the Chief Clinical Director of WELLPATH and an official charged with final policy/decision-making authority, in conjunction with FITHIAN, BARNES and COUNTY,

1 regarding the provision of medical care at the JAIL and training/supervision of employees/agents  
2 at the JAIL.

3 70. By reason of the actions and inactions of defendants, as detailed above, defendants  
4 violated the Constitutional rights and liberty interests of Plaintiff including, but not limited to,  
5 Plaintiff's Fourteenth Amendment right to Constitutionally adequate medical care while at the  
6 JAIL and Plaintiff's Constitutional right to be protected from unnecessary pain/suffering/harm  
7 while at the JAIL.

8 71. CFMG and FITHIAN have a history of failing to provide even minimally adequate  
9 medical/mental health care to prisoners at not just the JAIL but also at jails/facilities around the  
10 State of California where CFMG is the jail medical provider. This has resulted in numerous civil  
11 rights lawsuits against CFMG and FITHIAN. CFMG and FITHIAN's substandard and  
12 Constitutionally deplorable care is provided, at least in part, due to the fact that CFMG charges a  
13 flat rate for medical care at the JAIL (per prisoner, per day) which incentivizes FITHIAN and  
14 CFMG to provide the most minimal care possible at the JAIL so as to maximize profit for  
15 FITHIAN and CFMG.

16 72. As a direct and proximate result of the above-described training/supervision Plaintiff's  
17 serious, but treatable, medical condition went untreated. This caused Plaintiff to suffer cruel and  
18 unusual punishment, and both physical pain and mental anguish, in violation of his Fourteenth  
19 Amendment rights and, ultimately, resulted in severe and permanent injury to Plaintiff.  
20 Defendants, including DOES, knew that the policies, customs, and/or practices were inadequate  
21 but, despite this, Defendants were deliberately indifferent to the serious risk posed by same.  
22 Accordingly, Defendants, in doing the above-described actions/inactions, were deliberately  
23 indifferent to Plaintiff's serious medical needs.

24 73. Under 42 U.S.C. § 1988 Plaintiff is entitled to, and demands, an award of reasonable  
25 attorneys' fees and costs on this cause of action.

26 74. Each defendant, including DOES, acted intentionally, recklessly, and/or with callous  
27 indifference to Plaintiff's serious medical needs, and to Plaintiff's, Constitutional rights. As such,  
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defendants should be assessed punitive damages on this cause of action.

**FOURTH CAUSE OF ACTION**  
**(VIOLATION OF 42 U.S. CODE § 1983- EIGHTH AMENDMENT- DELIBERATE**  
**INDIFFERENCE TO SERIOUS MEDICAL NEEDS OF PLAINTIFF AND FAILURE TO**  
**PROTECT HIM FROM HARM)**  
**(AGAINST ALL DEFENDANTS INCLUDING DOES)**

75. Plaintiff realleges and incorporate by reference all paragraphs alleged in this Complaint (above and below) as though fully set forth herein.

76. Plaintiff had serious medical needs at all relevant times alleged in this Complaint.

77. Defendants, including DOES, were, at all relevant times alleged herein, acting under color of law and within the course and scope of their official duties/employment for the COUNTY, and/or CFMG, and/or WELLPATH at the JAIL. Plaintiff, at all relevant times alleged herein, was in the custody of COUNTY, and/or CFMG, and/or WELLPATH at the JAIL. CFMG, and/or WELLPATH at all relevant times, was under contract with the COUNTY to provide medical services to prisoners, like Plaintiff, at the JAIL.

78. By reason of the specific actions and inactions of defendants, including DOES, as detailed above, defendants violated the Constitutional rights and liberty interests of Plaintiff including, but not limited to, those rights provided to Plaintiff in the Eighth Amendment to the United States Constitution including, but not limited to, Plaintiff's right to Constitutionally adequate medical care while at the JAIL and Plaintiff's right to be protected from unnecessary pain/suffering/harm while at the JAIL.

79. Defendants, including DOES, as provided in-detail above, were deliberately indifferent to Plaintiff's serious medical needs while he was at the JAIL and were deliberately indifferent in failing to protect Plaintiff from unnecessary harm/pain/suffering at the JAIL. Defendants, and each of them, ignored Plaintiff's serious medical needs, failed/refused to provide Plaintiff access to, and delivery of, medical evaluations, interventions, care, treatment, and, further, failed to intervene to prevent Plaintiff's severe and permanent injury and disability.

80. As a direct and proximate result of defendant's deliberate indifference to Plaintiff's serious medical needs, as detailed above, Plaintiff's serious, but treatable, medical condition went



1 untreated. Rather than being provided the treatment he needed Plaintiff's infection spread. This  
2 caused Plaintiff to suffer cruel and unusual punishment, and both physical pain and mental  
3 anguish, in violation of Plaintiff's Eighth Amendment rights, and ultimately, resulted in severe  
4 personal injury to Plaintiff.

5 81. Under 42 U.S.C. § 1988 Plaintiff is entitled to, and demands, an award of reasonable  
6 attorneys' fees and costs on this cause of action.

7 82. Each defendant, including DOES, acted intentionally, recklessly, and/or with callous  
8 indifference to Plaintiff's serious medical needs and to Plaintiff's Constitutional rights. As such,  
9 defendants should be assessed punitive damages on this cause of action.

10 **FIFTH CAUSE OF ACTION**

11 **(VIOLATION OF 42 U.S. CODE § 1983- EIGHTH AMENDMENT- INADEQUATE**  
12 **POLICIES, CUSTOMS, AND/OR PRACTICES RESULTING IN DEPRIVATION OF**  
13 **MEDICAL CARE TO PLAINTIFF AND FAILURE TO PROTECT PLAINTIFF FROM**  
14 **HARM)**

15 **(AGAINST DEFENDANTS COUNTY, CFMG, WELLPATH, FITHIAN, PANGBURN,**  
16 **BARNES, AND DOES ONLY)**

17 83. Plaintiff realleges and incorporates by reference all paragraphs alleged in this Complaint  
18 (above and below) as though fully set forth herein.

19 84. Defendants COUNTY, CFMG, and WELLPATH had inadequate policies, customs,  
20 and/or practices with respect to providing medical care to prisoners at the JAIL, and with respect  
21 to protecting prisoners like Plaintiff from unnecessary harm/pain/suffering while at the JAIL,  
22 including, but not limited to, as listed above in this Complaint.

23 85. BANRES is, and at all relevant times was, the Sheriff for the COUNTY and the  
24 COUNTY official with final policy/decision-making authority with respect to the provision of  
25 medical/mental health care at the JAIL. FITHIAN is, and at all relevant times was, the  
26 President/Medical Director of CFMG and the CFMG official charged with final policy/decision-  
27 making authority, in conjunction with BARNES and COUNTY, regarding the provision of  
28 medical/mental health care at the JAIL. PANGBURN is, and at all relevant times was, the Chief  
Clinical Officer of WELLPATH and the WELLPATH official charged with final policy/decision



1 making authority, in conjunction with BARNES, COUNTY, and CFMG regarding the provision  
2 of medical/mental health care at the JAIL.

3 86. By reason of the actions and inactions of defendants, as detailed above, defendants,  
4 including DOES, violated the Constitutional rights and liberty interests of Plaintiff including, but  
5 not limited to, Plaintiff's Fourteenth Amendment right to Constitutionally adequate medical  
6 health care while at the JAIL and Plaintiff's Constitutional right to be protected from unnecessary  
7 pain/suffering/harm while at the JAIL.

8 87. CFMG and FITHIAN have a history of failing to provide even minimally adequate  
9 medical care to prisoners at the JAIL and, generally, at jails/facilities around the State of  
10 California where CFMG is the medical provider. This has resulted in numerous civil rights  
11 lawsuits against CFMG and FITHIAN many of which are currently ongoing. CFMG and  
12 FITHIAN's substandard and Constitutionally deplorable care is provided, at least in part, due to  
13 the fact that CFMG charges a flat rate for medical care at the JAIL to COUNTY (per prisoner, per  
14 day) which incentivizes FITHIAN and CFMG to provide the most minimal care possible at the  
15 JAIL so as to maximize profit for CFMG.

16 88. As a direct and proximate result of the above-described policies, customs, and/or  
17 practices Plaintiff's serious, but treatable, medical condition went untreated. This caused Plaintiff  
18 to suffer cruel and unusual punishment, and both physical pain and mental anguish, in violation of  
19 his Eighth Amendment rights and, ultimately, resulted in severe personal injury at the JAIL. The  
20 defendants identified in this cause of action, including DOES, knew that the policies, customs,  
21 and/or practices were inadequate but, despite this, defendants were deliberately indifferent to the  
22 serious risk posed by same. Accordingly, these defendants, including DOES, in doing the above-  
23 described actions/inactions, were deliberately indifferent to Plaintiff's serious medical needs.

24 89. Plaintiff seeks damages for the pain and suffering caused at the JAIL, the physical  
25 injuries, pain, emotional anguish, and trauma.

26 90. Under 42 U.S.C. § 1988 Plaintiff is entitled to, and demands, an award of reasonable  
27 attorneys' fees and costs on this cause of action.  
28

1 91. Each defendant, including DOES, acted intentionally, recklessly, and/or with callous  
2 indifference to Plaintiff's serious medical needs and to Plaintiff's Constitutional rights. As such,  
3 defendants should be assessed punitive damages on this cause of action.

4 **SIXTH CAUSE OF ACTION**

5 **(VIOLATION OF 42 U.S. CODE § 1983- EIGHTH AMENDMENT- FAILURE TO**  
6 **TRAIN/SUPERVISE RESULTING IN DEPRIVATION OF MEDICAL CARE TO**  
7 **PLAINTIFF AND FAILURE TO PROTECT PLAINTIFF FROM HARM)**  
8 **(AGAINST DEFENDANTS COUNTY, CFMG, WELLPATH, FITHIAN, PANGBURN,**  
9 **BARNES AND DOES ONLY)**

10 92. Plaintiff realleges and incorporate by reference all paragraphs alleged in this Complaint  
11 (above and below) as though fully set forth herein.

12 93. Defendants COUNTY, CFMG and WELLPATH had inadequate training/supervision, or  
13 no training/supervision at all, at the JAIL to assure that employees/agents provided proper  
14 medical care to prisoners, like Plaintiff, and to assure that employees/agents protect prisoners,  
15 like Plaintiff, from harm.

16 94. COUNTY, CFMG, WELLPATH, FITHIAN, PANGBURN and BARNES were aware,  
17 or should have been aware, that employees/agents were not adequately trained/supervised to: (1)  
18 provide timely access to and delivery of medical care to prisoners when needed and requested;  
19 and (2) transport sick individuals to approved facilities for treatment and assessment when  
20 necessary.

21 95. BARNES is, and at all relevant times was, the Sheriff for the COUNTY and the  
22 COUNTY official with final policy/decision-making authority with respect to the provision of  
23 medical care at the JAIL and training/supervision of employees/agents at the JAIL. FITHIAN is,  
24 and at all relevant times was, the President/Medical Director of CFMG and the CFMG official  
25 charged with final policy/decision-making authority, in conjunction with BARNES and  
26 COUNTY, regarding the provision of medical/mental health care at the JAIL and  
27 training/supervision of employees/agents at the JAIL. PANGBURN is, and at all relevant times  
28 was the Chief Clinical Director of WELLPATH and an official charged with final  
policy/decision-making authority, in conjunction with FITHIAN, BARNES and COUNTY,

1 regarding the provision of medical care at the JAIL and training/supervision of employees/agents  
2 at the JAIL.

3 96. By reason of the actions and inactions of defendants, as detailed above, defendants  
4 violated the Constitutional rights and liberty interests of Plaintiff including, but not limited to,  
5 Plaintiff's Eighth Amendment right to Constitutionally adequate medical care while at the JAIL  
6 and Plaintiff's Constitutional right to be protected from unnecessary pain/suffering/harm while at  
7 the JAIL.

8 97. CFMG and FITHIAN have a history of failing to provide even minimally adequate  
9 medical/mental health care to prisoners at not just the JAIL but also at jails/facilities around the  
10 State of California where CFMG is the jail medical provider. This has resulted in numerous civil  
11 rights lawsuits against CFMG and FITHIAN. CFMG and FITHIAN's substandard and  
12 Constitutionally deplorable care is provided, at least in part, due to the fact that CFMG charges a  
13 flat rate for medical care at the JAIL (per prisoner, per day) which incentivizes FITHIAN and  
14 CFMG to provide the most minimal care possible at the JAIL so as to maximize profit for  
15 FITHIAN and CFMG.

16 98. As a direct and proximate result of the above-described training/supervision Plaintiff's  
17 serious, but treatable, medical condition went untreated. This caused Plaintiff to suffer cruel and  
18 unusual punishment, and both physical pain and mental anguish, in violation of his Eighth  
19 Amendment rights and, ultimately, resulted in severe and permanent injury to Plaintiff.  
20 Defendants, including DOES, knew that the policies, customs, and/or practices were inadequate  
21 but, despite this, Defendants were deliberately indifferent to the serious risk posed by same.  
22 Accordingly, Defendants, in doing the above-described actions/inactions, were deliberately  
23 indifferent to Plaintiff's serious medical needs.

24 99. Under 42 U.S.C. § 1988 Plaintiff is entitled to, and demands, an award of reasonable  
25 attorneys' fees and costs on this cause of action.

26 100. Each defendant, including DOES, acted intentionally, recklessly, and/or with callous  
27 indifference to Plaintiff's serious medical needs, and to Plaintiff's Constitutional rights. As such,  
28

defendants should be assessed punitive damages on this cause of action.

**SEVENTH CAUSE OF ACTION**  
**(VIOLATION OF CALIFORNIA GOVERNMENT CODE § 845.6)**  
**(AGAINST ALL DEFENDANTS, INCLUDING DOES)**

101. Plaintiff realleges and incorporates by reference all paragraphs in this Complaint (above and below) as though fully set forth herein

102. Pursuant to California Government Code § 845.6 Defendants, including DOES, had a duty to monitor, check, and respond to Plaintiff's medical needs while he was at the JAIL. Further, defendants had a duty to summon needed medical care for Plaintiff, and to protect him from harm, at the JAIL.

103. Defendants, and each of them, knew, or had reason to know, Plaintiff was in need of higher level medical care for a lengthy period of time, as described above in this Complaint. Despite this knowledge Defendants, including DOES, and each of them, failed to take reasonable action to summon medical care for Plaintiff.

104. As a direct and proximate result of defendants' actions and inactions at the JAIL, Plaintiff suffered severe and permanent injuries. As such Plaintiff is entitled to recover damages in an amount according to proof at trial and as allowed by law.

**EIGHTH CAUSE OF ACTION**  
**PROFESSIONAL NEGLIGENCE RESULTING IN PERSONAL INJURY**  
**(AGAINST COUNTY, CFMG, WELLPATH, FITHIAN, PANGBURN, BROWN,**  
**MCGUIRE, ROGERS, AND DOES ONLY)**

105. Plaintiff realleges and incorporates by reference herein all of the allegations above and below as though they are fully set forth herein.

106. Defendants, and each of them, owed a duty to Plaintiff in their care and treatment of Plaintiff.

107. Defendants, and each of them, breached the applicable medical and professional standards of care owed to Plaintiff in the care and treatment he received.

108. As a direct and proximate result of the actions and inactions of Defendants, and each of them, including but not limited to those actions and inactions listed above, Plaintiff has suffered

serious and permanent injuries in an amount according to proof at trial.

WHEREFORE, Plaintiff prays for relief as follows:

1. For general damages according to proof on the appropriate causes of action;
2. For special damages according to proof on the appropriate causes of action;
3. For pecuniary damages according to proof on the appropriate causes of action;
4. For punitive damages according to proof against the appropriate defendants on the appropriate causes of action;
5. For treble damages according to proof against the appropriate defendants on the appropriate causes of action;
6. For costs of suit;
7. For prejudgment interest;
8. For attorneys' fees and costs pursuant to 42 U.S.C. § 1988, 42 U.S.C. § 12205, Civil Code 52 and otherwise against the appropriate defendants on the appropriate causes of action.

DATED: February 13, 2020

ABBEY, WEITZENBERG, WARREN & EMERY

By: /s/ Michael D. Green  
Michael D. Green  
Brian G. Lance  
Attorneys for Plaintiffs